



February 23, 2007

SENATE BILL No. 232

DIGEST OF SB 232 (Updated February 21, 2007 3:59 pm - DI 106)

Citations Affected: IC 32-21.

Synopsis: Constructive notice of recording. Provides that if a recorded instrument does not comply with certain acknowledgment requirements or technical recording requirements, the instrument is a valid recording and all parties are considered to have constructive notice of the contents of the instrument.

Effective: July 1, 2007.

Zakas, Bray, Lanane, Steele, Broden

January 8, 2007, read first time and referred to Committee on Judiciary.
February 22, 2007, amended, reported favorably — Do Pass.

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SB 232—LS 7034/DI 106+



February 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 232

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-4-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The following
3 must be recorded in the recorder's office of the county where the land
4 is situated:

5 (1) A conveyance or mortgage of land or of any interest in land.

6 (2) A lease for more than three (3) years.

7 (b) A conveyance, mortgage, or lease takes priority according to the
8 time of its filing. The conveyance, mortgage, or lease is fraudulent and
9 void as against any subsequent purchaser, lessee, or mortgagee in good
10 faith and for a valuable consideration if the purchaser's, lessee's, or
11 mortgagee's deed, mortgage, or lease is first recorded.

12 (c) If:

13 (1) an instrument is recorded; and

14 (2) the instrument does not comply with the:

15 (A) acknowledgment requirements of:

16 (i) IC 32-21-2-3;

17 (ii) IC 32-21-2-4;

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1 (iii) IC 32-21-2-5; or
2 (iv) IC 32-21-2-7; or
3 **(B) technical requirements of:**
4 (i) IC 36-2-11-16; or
5 (ii) IC 36-2-11-16.5;
6 **the instrument is a valid recording, and all parties are considered**
7 **to have constructive notice of the contents of the instrument.**

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SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senators Lanane, Steele and Broden be added as coauthors of Senate Bill 232.

ZAKAS

 COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 13 through 17, begin a new line block indented and insert:

- "(1) an instrument is recorded; and
(2) the instrument does not comply with the:**

(A) acknowledgment requirements of:

- (i) IC 32-21-2-3;**
- (ii) IC 32-21-2-4;**
- (iii) IC 32-21-2-5; or**
- (iv) IC 32-21-2-7; or**

(B) technical requirements of:

- (i) IC 36-2-11-16; or**
- (ii) IC 36-2-11-16.5;**

the instrument is a valid recording, and all parties are considered to have constructive notice of the contents of the instrument."

and when so amended that said bill do pass.

(Reference is to SB 232 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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